IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 152 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/01/2005 in WP No. 438 OF 2005 on the file of the High Court.)

Between:

Sammeta Kavitha, D/o.Ch.Suryanarayana Rao,
R/o.19/578-1, Circar Thota, Chilakalapudi, Business, Krishna District.

..... APPELLANT

AND

1.The Regional Manager, APSRTC, Krishna Region, Vijyawada, Krishna District.
2. The Divisional Manager, APSRTC, Machilipatnam, Krishna District.
3.The Depot Mnager, APSRTC, Machilipatnam, Krishna District.

.....RESPONDENTS

Counsel for the Appellant: Mrs.Y.ANUPAMA DEVI

Counsel for the Respondents: Mr. R.MANMADHA REDDY

SC for APSRTC

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

On 28.10.2004 show-cause notice was issued to the petitioner-appellant, as to why his licence be not terminated for having failed to make payment of licence fee from August, 2004 to October, 2004. Full amount was not paid. According to the learned counsel for the petitioner-appellant, arrears for one month were cleared. There was financial crunch because of the seasonal effects. But, abruptly, on 22.12.2004, order was passed terminating the licence, without taking note of the payment already made. Writ Petition filed has been dismissed. Writ Appeal has, therefore, been filed now.

As of today, the petitioner is continuing with the running of the stall in question, and, as regards the current charges, according to the learned counsel for the petitioner, up-to-date payment is made though there has been adverse effect on the business because of the tsunami. The Stall is stated to be at Machilipatnam bus station, which is one of the areas directly affected by the tsunami.

Therefore, on considering the facts and circumstances of the case, we direct that if payment of the arrears of licence fees along with interest thereon at the rate of 3 per cent per month is made by the petitioner to the respondent within a period of one month from today, the order of termination shall stand cancelled. On failure to comply with this direction, the order of termination shall remain effective and in operation.

With the above observations, the Writ Appeal stands dismissed. No costs.

_____

DEVINDER GUPTA, C.J.

1.2.2005.

_____

M.NARAYANA REDDY, J.

VR.

Note:

Communicate operative portion by

wire at party's cost.

(BO).

To

1.The Regional Manager, APSRTC, Krishna Region, Vijyawada, Krishna District.
2. The Divisional Manager, APSRTC, Machilipatnam, Krishna District.
3.The Depot Mnager, APSRTC, Machilipatnam, Krishna District.

4. Two CD copies.